

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

# 27

In re Application of: William J. Rea, MD, et al

Attorney Docket: 16715/CPA2

Serial No.: 08/902,692

Art Group Unit: 1644

Filed: July 30, 1997

Examiner: Schwardon, R., Ph.D.

For: **AUTOGENOUS LYMPHATIC FACTOR FOR  
MODIFICATION OF T AND B LYMPHOCYTE PARAMETERS**

**RESPONSE TO OFFICE ACTION**

Assistant Commissioner of Patents  
Box Reg No Fee  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed October 30, 2001, submitted herewith is the "Supplemental Declaration of Vernon E. Scholes, Ph.D." The only differences in this Supplemental Declaration from the original declaration previously filed are the following:

- a. The title has been changed to include the word "Supplemental."
- b. Under the subheading "Expert Qualifications," the following statement has been added: A true and correct list of my "Publications, Presentations, and Abstracts," and "Special Symposia and Consultantships" and list of the M.S. Theses, Ph.D. Dissertations, and Post-Doctoral Works that I have directed is attached hereto as Exhibit B."
- c. The last paragraph has been changed from "I declare under penalty of perjury that the foregoing is true and correct" to the following statement:

I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.



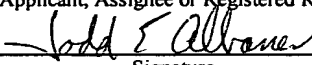
The Office Action indicated that the Examiner would consider the Scholes declaration upon receipt of a list of Scholes' publications. Such consideration is respectfully requested.

Applicants continue to traverse the rejections of the claims made in the Office Action dated October 30, 2001, including the rejection of claims 65 and 66 under 35 U.S.C. 112, first paragraph, and the rejection of claims 49-66 under 35 U.S.C. 103(a). In response, Applicants refer to the arguments made of record in Applicants' "Response to Office Action" dated March 29, 2001 and in Applicants' "Preliminary Amendment" dated September 11, 2000. Furthermore, the supplemental Scholes' declaration submitted herewith addresses the Examiner's statements in the previous Office Actions, including, for example, by addressing the meaning of the word "normal" as used in the specification and claims, the meaning of the word "propagation" as used in the specification and claims, and the meaning of "the incubation of the syringe and contents for 20 min. at 37°C" as used in Warren et al. The terms used in the specification and claims are clear to a person of ordinary skill in the art, and the invention as claimed is not disclosed or suggested by the hypothetical combination of Youdim et al. in view of Warren et al. Reconsideration and allowance of the application is requested.


If a telephone interview would expedite the prosecution of this application, the undersigned can normally be reached at the number below.

DATED: December 17, 2001

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December 17, 2001
Date of Deposit
Todd E. Albanesi
Name of Applicant, Assignee or Registered Representative

Signature
December 17, 2001
Date of Signature

Respectfully submitted,

  
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Attorneys for Applicant



Please type a plus sign (+) inside this box → ☐

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	08/902,692
Filing Date	07/30/1997
First Named Inventor	William J. Rea, MD
Group Art Unit	1644
Examiner Name	Schwardon, R., Ph.D.
Attorney Docket Number	16715/CPA2

Total Number of Pages in This Submission 19

## ENCLOSURES (check all that apply)

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
|---|---|--|

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Todd E. Albanesi
Signature	
Date	December 17, 2001

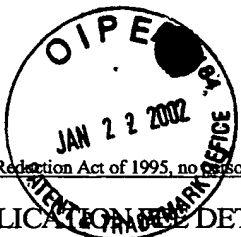
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Typed or printed name	Virginia Born	Date	December 17, 2001
Signature			

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# PATENT APPLICATION TRADEMARK DETERMINATION RECORD

Application or Docket Number

16715/CPA2

## CLAIMS AS FILED - PART I

(Column 1)

(Column 2)

SMALL ENTITY

OR

OTHER THAN  
SMALL ENTITY

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a))		
TOTAL CLAIMS (37 CFR 1.16(c))	minus 20 =	*
INDEPENDENT CLAIMS (37 CFR 1.16(b))	minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))		

RATE	FEE
	\$ _____
x \$ _____ =	
x _____ =	
+ _____ =	
TOTAL	

RATE	FEE
	\$ _____
x \$ _____ =	
x _____ =	
+ _____ =	
TOTAL	

\* If the difference in column 1 is less than zero, enter "0" in column 2

## CLAIMS AS AMENDED - PART II

(Column 1)

(Column 2)

(Column 3)

SMALL ENTITY

OR

OTHER THAN  
SMALL ENTITY

AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(c))	*	Minus	**	=
	Independent (37 CFR 1.16(b))	*	Minus	***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

RATE	ADDI- TIONAL FEE
x \$ _____ =	
x _____ =	
+ _____ =	
TOTAL	

RATE	ADDI- TIONAL FEE
x \$ _____ =	
x _____ =	
+ _____ =	
TOTAL	

AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(c))	*	Minus	**	=
	Independent (37 CFR 1.16(b))	*	Minus	***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

RATE	ADDI- TIONAL FEE
x \$ _____ =	
x _____ =	
+ _____ =	
TOTAL	

RATE	ADDI- TIONAL FEE
x \$ _____ =	
x _____ =	
+ _____ =	
TOTAL	

AMENDMENT C		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(c))	* 18	Minus	** 18	= 0
	Independent (37 CFR 1.16(b))	* 3	Minus	*** 3	= 0
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

RATE	ADDI- TIONAL FEE
x \$ _____ =	0
x _____ =	
+ _____ =	
TOTAL	0

RATE	ADDI- TIONAL FEE
x \$ _____ =	
x _____ =	
+ _____ =	
TOTAL	

- \* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
  - \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
  - \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
- The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

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